



REORGANIZATION DECISION MEMORANDUM

*The decision memorandum must be completed, **signed by the Assistant Administrator/Regional Administrator**, submitted to Ericka Bellamy, Office of Human Resources, Policy, Planning and Training Division and the designated HR Shared Service Center Representative via **email and hardcopy** for review. If there are questions regarding this form, please refer to the agency's reorganization website for additional information at:
<http://intranet.epa.gov/ohr/programs/reorg/steps.htmr>*

NOTE: Signing of this memorandum prior to stakeholder reviews does not confirm that the AA/RA agrees to any comments received pending final stakeholder comments.

MEMORANDUM

DATE: November 24, 2021

SUBJECT: Office of Pollution Prevention and Toxics (OPPT)/Data Gathering and Analysis Division (DGAD) Reorganization Proposal — Reorganization Decision Memorandum

FROM: Richard P. Keigwin
Deputy Assistant Administrator for Management
Office of Chemical Safety and Pollution Prevention (OCSPP)

TO: Michal Freedhoff, Ph.D.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention

NEED

As you stated in your April 28, 2021 memo to OPPT colleagues, EPA's Safer Choice program provides national and international leadership for EPA's chemical safety mission, through identification, certification, and adoption of products containing safer chemical ingredients – benefitting families, children, workers, pets, and the environment.

Over 400 partner companies – including major multinationals – have invested in, and are committed to, EPA's Safer Choice program. These companies collectively offer 2,000+ Safer Choice certified products in the marketplace. The Biden-Harris Administration considers the Safer Choice collaborative partnership with industry to be a highly valued and foundational asset to EPA's chemical safety mission, as well as an important opportunity to promote environmental justice. Congress repeatedly expressed support for EPA's Pollution Prevention (P2) and Safer

Choice programs in Senate appropriations report language. More than one hundred stakeholders have written congressional appropriators and EPA leadership to convey the importance of the Safer Choice program and to ask that the program be strengthened.

At this time, the Safer Choice staff who previously served in a self-contained branch, and helped to build the program to its valuable stature, are dispersed across different parts of the organization, some of whom are able to work full time to sustain the Safer Choice program and some who have their time divided among different foci of our overall mission. The impact of this staff dispersion and division threaten the ongoing viability and high-performance of the Safer Choice program. Re-establishing a branch dedicated to Safer Choice will bring efficiencies, focus, and a high level of performance to the program.

Both the Safer Choice and the Pollution Prevention (P2) programs play critical roles in protecting human health and the environment. Our P2 efforts demonstrate meaningful opportunities for successful implementation of exposure reduction efforts and complement our risk management efforts under TSCA.

OPPT is starting to rebuild and reinforce EPA's P2 program, focusing first on Safer Choice.

PROPOSAL

Prior to the OCSPP reorganization in October 2020, there was a unique branch in OPPT, the Design for Environment (DfE) Branch, responsible for the management of the Safer Choice Program. This branch had consisted of a branch chief and approximately 14 staff until February 2018, when 5 staff were reassigned to other office programs. This branch was dissolved as part of an October 2020 reorganization. Some of its functions (and several DfEBranch staff) were maintained in the Sustainability and Pollution Prevention Branch.

This proposal would appropriately restore the management of the Safer Choice Program to branch status – renamed as the Safer Choice Program Branch in OPPT's Data Gathering and Analysis Division (DGAD) – with a branch chief, two team lead positions, and 12 staff positions (see attached staffing crosswalk form).

Restoration of the Safer Choice program as a branch will restore efficiencies – as a clear point of contact and partnership - in managing the extensive network of (400+) partner companies, chemical manufacturers, and a wide range of committed Safer Choice stakeholders. With a vast array of functions associated with a robust and successful Safer Choice program, a dedicated branch will have the staff, structure, and flexibility to pursue all those program functions. With the program clarity associated with branch-level program, management and leadership efficiencies will be realized via clear management lines of sight as the Safer Choice program extends partnerships and initiatives within EPA, with other federal agencies, with states and communities, the private sector, and non-governmental organizations. It will provide direct responsiveness as a key program for periodic audit and program evaluations by the EPA Office of the Inspector General, including managing accountability responsibilities (including performance measurement). Restoration of the program as the Safer Choice Program Branch will demonstrate responsiveness to Congressional appropriations direction to EPA to maintain a Safer Choice program.

Key Discussions to Date:

Throughout 2021, many external stakeholders have expressed support for the Safer Choice program. In each of these meetings, stakeholders have stated their desire that EPA reinstate and reinvigorate the Safer Choice program.

Additionally, EPA has received a large amount of external correspondence to EPA leadership, demonstrating support for the Safer Choice program and requesting that EPA fully restore the program. A few of these include:

- Multi-stakeholder letter to Administrator Regan, 3/15/2021
- Multi-stakeholder letter to Acting Administrator Nishida, 2/5/2021
- Endocrine Society letter, 12/2/2020
- Environmental Council of States (ECOS) letter, 10/7/2020
- National Retail Federal letter, 10/9/2020
- Household and Commercial Products Association letter, 9/16/2020
- Blue Green Alliance letter, 9/20/2021 (and more)

A large group of organizations and companies sent a letter to Congressional appropriations leaders in the Senate and House supporting clear budget language to restore the Safer Choice program (dated: 6/24/2021).

REVIEW AND ANALYSIS

OCSPP's senior management team and others with whom the office engages on a regular basis have been briefed. DGAD held a Joint Advisory Meeting (JAM) with the Office of Human Resources (OHR) Policy Division, the Research Triangle Park (RTP) Human Resources Shared Service Center (SSC), and Labor & Employee Relations (LER) to discuss the proposed reorganization. The SSC provided classification guidance and direction on the existing and new leadership positions, along with the potential reassignments. LER issued formal notice to the bargaining units and received positive feedback and support for the reorganization from the National Treasury Employees Union (NTEU). OHR shared the reorganization package with key stakeholders across the agency, including the Office of Mission Support (OMS), the Office of General Counsel (OGC), the Office of the Inspector General (OIG), and the Office of the Chief Financial Officer (OCFO). While no significant organizational issues were raised, OCFO noted that OCSPP must ensure that Congress and the Office of Management and Budget (OMB) receive official notifications prior to making the reorganization effective.

OCSPP subsequently met with OCFO and reached consensus on the following action items:

- A call or formal meeting with OMB is not required. OMB has an awareness of the matter. However, the Examiner requested that EPA send OMB its preferred summary document of the reorganization for the OMB Examiner to share with their Policy Team member who requested the notification. The OMB Examiner will circle back with EPA if follow-up is needed.

- OCFO will schedule a call with the Hill staff and DGAD to provide them with a heads-up on the reorganization. OCFO will notify OCSPP if a Congressional Notification letter is required.

RECOMMENDATION

I have received notice from the Office of Administration and Resources Management's Office of Human Resources that all comments have been satisfactorily resolved and the proposal is ready for approval.

Approved:

Michal Freedhoff, Ph.D.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention (OCSPP)